

Supreme Court of Kentucky

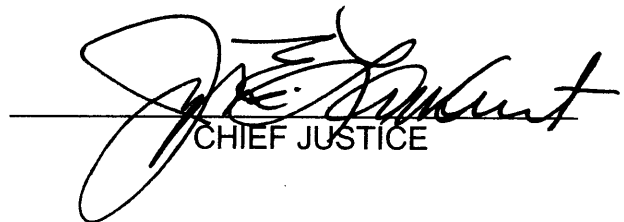
ORDER

IN RE: ORDER APPROVING AMENDMENTS TO THE LOCAL RULES OF PRACTICE FOR THE 20TH JUDICIAL CIRCUIT, GREENUP AND LEWIS CIRCUIT COURTS

Upon recommendation of the Judge of the 20th Judicial Circuit, Greenup and Lewis Circuit Courts, and being otherwise sufficiently advised,

The amendments to the Local Rules of practice for the Greenup and Lewis Circuit Courts are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 15 day of July, 2005.


CHIEF JUSTICE

**20th JUDICIAL CIRCUIT
GREENUP CIRCUIT COURT**

**RULES OF COURT PROCEDURE AND PRACTICE
FOR THE 20th JUDICIAL CIRCUIT**

**R20C-100
APPLICABILITY OF RULES**

These rules of court procedure and practice are intended to supplement the Kentucky Rules of Civil Procedure and the Kentucky Rules of Criminal Procedure. These rules shall become effective upon approval as required by SCR 1.040(3)(a). All previously adopted rules of this Court, except to the extent they are adopted or modified herein, are rescinded. These rules may be cited as "R20C", or "Rules of 20th Judicial Circuit".

**R20C-105
MOTION DAYS**

Motion Days shall be held as follows:

1. The Court will conduct motion hour in Greenup County beginning at 10:30 a.m. every Thursday. The Court will entertain motions in criminal cases at 1:30 p.m. An attorney must file a motion on the Friday immediately prior to Thursday for the Court to hear it. The Court will not hear a motion if untimely filed, unless the Court gives prior approval.
2. The Court will conduct motion hour in Lewis County beginning at 9:30 a.m. every first and third Friday. An attorney must file a motion on the Saturday immediately prior to Friday for the Court to hear it. The Court will not hear a motion if untimely filed, unless the Court gives prior approval.
3. The Court will conduct pre-trial conferences in Greenup County every Thursday afternoon at 1:00 p.m. The parties, their attorneys, and any other person necessary with settlement authority shall attend the pre-trial conferences.
4. The Court will conduct pre-trial conferences in Lewis County on the first and third Fridays in the afternoon at 9:30 a.m. The parties, their attorneys, and any other person necessary with settlement authority shall attend the pre-trial conferences.

**R20C-110
NOTICES, MOTIONS, AND ORDERS**

1. A copy of all notices and motions shall be served upon the Circuit Judge at his office in Greenup, Kentucky, as called for by the case, and such service shall also appear in the certificate of service.

2. Where appropriate, all motions shall include a statement setting forth the specific grounds of the motion and the legal authority upon which counsel relies in support of the motion.
3. All motions must be filed with the clerk by the close of business on the Friday immediately prior to the day they are to be heard, unless there is approval from the Court to file a motion after that time.
4. All motions must be filed and heard only in the county where the case is pending, unless there is prior approval of the Court.
5. Counsel shall tender a proposed order with each motion when they appear on Motion Day.

R20C-120

ATTORNEY'S NAMES, ADDRESSES, AND PHONE NUMBERS

All pleadings and papers requiring the signature of an attorney shall set forth on the last page thereof the typed name and complete address of the attorney including telephone number and FAX number if applicable.

R20C-125

DEFAULT JUDGMENTS

A party seeking a judgment by default where Rule 55.01 of the Kentucky Rules of Civil Procedures applies shall first file a written motion for such a judgment and have the motion placed on the appropriate Motion Day docket, with a tendered judgment and notice to the party in default. The attorney seeking the default judgment need not be present for the motion, and the default judgment may thereafter be entered after notice has been given and it is determined by the Court that it meets all necessary legal requirements.

R20C-130
DOMESTIC RELATIONS CASES

1. Uncontested Dissolution Actions. Uncontested dissolution of marriage cases which contain an entry of appearance and waiver of notice shall be submitted directly to the Circuit Judge on deposition. The case shall stand submitted with a motion to submit accompanied with copies of the deposition, any separation agreement, and the entry of appearance. The proposed findings of fact, conclusions of law and final decree shall be submitted in original form.

2. Matters to be heard by the Domestic Relations Commissioner. All domestic relations cases will be heard by the Court, unless referred to the Domestic Relations Commissioner. The Court may refer to the Domestic Relations Commissioner contested hearings for child support, temporary child custody, visitation, maintenance, assignments of possession of marital property, or other relief pending further litigation, except motions for restraining orders or injunctive relief. The Domestic Relations Commissioner may also preside over hearings on post judgment motions in domestic relations matters to enforce or modify the final decree of child support, visitation, maintenance or disposition of marital property, and other matters as the Court determines proper. Upon referral of the case to the Domestic Relations Commissioner, counsel for the moving party shall contact the Domestic Relations Commissioner to schedule a time for the hearing on the motion. Requests for referral to the Domestic Relations Commissioner may be made directly to the Court rather than placing the case on the Motion Day docket.

3. Fees to the Domestic Relations Commissioner. The Domestic Relations Commissioner shall be entitled to compensation for matters heard by or referred to him as follows:

A. Forty dollars (\$40.00) for the first hour of a hearing and an additional forty dollars (\$40.00) for each hour thereafter. The fees, except for the first forty dollars (\$40.00), shall be prorated to the quarter (1/4) hour period. Fees shall be paid within thirty (30) days after the entry of the order arising from the hearing. The fees of the Domestic Relations Commissioner shall be treated as part of the court costs and Court Reporter fees in the final decree.

4. Child Support. In all cases in which child support is either requested to be set or modified, a worksheet computation is required to be filed by each party in conformance with

KRS 403.212, unless child support is otherwise agreed to by the parties.

5. Property Lists.

A. At least ten (10) days before the date of hearing in any contested matter as to division of marital property, there should be filed with the Court an itemized list of all property in dispute stating:

(1) non-marital property belonging to the Petitioner and Respondent;

(2) marital property, itemized with the value stated after each item. This shall be served on opposing counsel and filed in the record. See Annex A.

B. No case will be set for trial by the Commissioner or the Court until the itemized property list is filed with the Court. Counsel will also certify a copy of this property list to opposing Counsel.

6. Domestic Violence Orders.

All domestic violence petitions or motions shall be filed with the Circuit Court Clerk, who has designated a Deputy Clerk as the Domestic Violence Deputy Clerk. The Clerk so designated shall assign the matter as follows:

NO DISSOLUTION OF MARRIAGE PENDING

If no dissolution of marriage action is pending in Circuit Court, the Clerk Shall docket the case on the District Court's docket. The clerk shall deliver the appropriate documents to the District Judge for consideration and appropriate action. If the District Judge is unavailable, the clerk may seek the considerations of the Trial Commissioner (SCR 5.030(d)(iii)) or the Circuit Judge (KRS 403.725(5)). If the Trial Commissioner or Circuit Judge issues an emergency protective order (EPO) or summons, the matter will remain on the District Court docket even if the Circuit Judge signs an EPO (KRS 403.725(5)). If the Circuit Judge orders that a summons be issued per KRS 403.745, the Clerk shall set the matter on the Circuit Court docket.

DISSOLUTION OF MARRIAGE PENDING

If a dissolution of marriage is pending in the Circuit Court or is filed contemporaneously, the Clerk shall present the petition to the Circuit Judge for consideration and appropriate action. If the Circuit Judge is unavailable, the Clerk may present petition to the District Judge for consideration and appropriate action. (CR 65.03(d)). The Clerk shall place the matter on the Circuit Judge's motion hour docket.

CONTEMPT

If any person presents a motion for contempt or a show cause for violation of a protective order arising out of the provisions of KRS 403.730 to 403.785 from District or Circuit Court, the Clerk shall set the matter on the District Court's docket (KRS 403.760(2)). The Clerk shall further make two (2) copies of the show cause motion and within the same day, hand deliver or mail it postage prepaid, to the County Attorney and the Commonwealth Attorney along with the date, time and place of the hearing.

DURING NON-OFFICE HOURS

If no dissolution of marriage action is pending in this Circuit Court, the District Judge shall be contacted to consider the petition and/or motions. Hearing shall be scheduled in the District Court on the next available Domestic Violence session of the Court. If no District Judge is available, the Circuit Judge may act for the District Court as authorized by the provisions of KRS 403.730 to 403.785.

HEARINGS

- A. If while a Domestic Violence matter is pending in the District Court, a dissolution of marriage proceeding is filed in this Circuit Court, the presiding District Judge may in his/her discretion enter or continue such protective orders and process deemed necessary and transfer the matter for final hearing to this Circuit Court.
- B. The Domestic Violence session of the District Court is scheduled as follows:
Lewis County ---- Tuesdays, 1:00 p.m.
Greenup County -- Thursdays, 9:30 a.m.
- C. The Domestic Violence sessions of the Circuit Court is scheduled as follows:
Lewis County ---- 1st and 3rd Fridays of the month at 9:30 a.m.
Greenup County -- Thursdays, 1:00 p.m.

These rules shall be incorporated into the 20th Judicial Circuit Court Local Rules.

7. Parent Education Clinic

- A. If there are minor children of the marriage, a proceeding for dissolution of marriage shall not be assigned for final hearing, or the matter submitted, if uncontested, until the parties have attended and participated in the Parents Education Clinic held at least once each month in the Greenup County Courthouse or such other location as may be approved.
 - B. If a party refuses or fails to attend the clinic, the Court may make such orders in regard to the failure or refusal as are just, and among others the following:
 - a. An order refusing to assign a trial date until the party requesting the trial date attends the clinic;
 - b. An order declining to set or enforce permanent visitation rights for the disobedient party until the disobedient party attends the clinic;
 - c. An order reserving the granting or approval of final custody; and
 - d. In lieu of any of the foregoing orders or in addition thereto, an order to attend the clinic.
 - C. This program applies to Greenup County only, effective February 1, 1995.
 - D. This program will be effective in Lewis County by separate order once it is developed and the Court secures a person to implement it.
8. Visitation - Visitation shall be in accordance with standard visitation schedules A or B as adopted by the Greenup and Lewis County Bars, unless otherwise modified by the Court. See Annex B.

9. Payment of child support - All child support should be paid to a third party payee. The third party payee shall consist of either a bank account established by the custodial parent or a non-AFDC IV-D payee designated by the Cabinet for Families and Support.
10. Mediation – The Court will, upon agreement of the parties, refer the case to mediation, in efforts to accommodate the parties settlement in a orderly and fair manner.

R20C-135
SHOW CAUSE/ CONTEMPT

Motions to show cause why a party should not be held in contempt of court shall be submitted ex parte to the Court with appropriate affidavits. Upon sufficient showing, an order to show cause shall be issued for a hearing on the next appropriate Motion Day.

R20C-140
AGREED ORDERS

Agreed orders and judgments, and in forma pauperis motions, may be submitted to the Court at any time and should not be placed on the Motion Day docket.

R20C-145
FEES FOR WARNING ORDER ATTORNEYS AND GUARDIAN AD LITEMS

The minimum fee to be paid for guardian ad litem and warning order attorneys shall be fifty dollars (\$50.00) for routine services in each case. A request for fees in excess of this amount shall be submitted to the Court by appropriate motion.

R20C-150
INTERROGATORIES OR REQUESTS

When answering interrogatories, requests for production of documents, or requests for admissions, the replying party shall as a part of his/her answer, set forth immediately preceding the answer, the question or the request made. Likewise, any objections filed to an interrogatory or to a request shall set out in full the interrogatory or request with the reason and grounds for the objection thereto.

R20C-151
TRIAL MANAGEMENT OF CIVIL CASES

1. This Court formally adheres to the policy of this Commonwealth to encourage resolution of disputes and early, voluntary settlement through mediation. This Court is authorized and encouraged to refer disputing parties to mediation before trial or hearing.
2. Within 30 days of the filing of an answer, the Court will set the matter for a case management conference. See Annex E. The Court will determine if the case is suitable

for mediation at the case management conference. If the Court finds that the case is suitable for mediation, the Court will set appropriate time lines for each party to conduct sufficient discovery to give mediation a fair opportunity for success. If the Court determines that mediation is inappropriate, then the Court will set discovery time lines.

3. No attorney shall file a motion to set a civil case for trial until the parties have completed the taking of all discovery and complied with all of the provisions of the "Order of Trial Management". See Annex C.

4. Once the Court sets a civil case for trial each of the parties or their attorneys shall abide by all of the provisions of the "Order Setting Trial, Trial Management Report and Pretrial Conference". See Annex D.

5. All attorneys will notify the Court as soon as possible that a case has been settled. Thus, removing it from the Court docket.

R20C-152
ALTERNATIVE DISPUTE RESOLUTION
MEDIATION

Preamble

The Greenup Circuit Court finds that certain problem solving techniques, commonly known as Alternative Dispute Resolution, often provides an efficient and cost effective alternative to traditional litigation, and further that the wise and judicious use of Alternative Dispute Resolution methods may benefit and improve the judicial process for all citizens of this Commonwealth.

These Alternative Dispute Resolution rules are intended to serve as a tool for use by this Court to facilitate and foster dispute resolution. To that end, it is the policy of the Greenup Circuit Court that participants in the Alternative Dispute Resolution participate in good faith and in an earnest attempt to resolve their disputes and differences.

152-1 Scope of Rules for Alternative Dispute Resolution:

These rules will govern Mediation. Nothing in these rules shall prohibit parties from resolving disputes through other methods.

152-2 Mediation Defined:

Mediation is an informal process in which a neutral third person or persons called a Mediator or Mediators act to facilitate the resolution of a dispute between two or more parties.

The process is designed to help disputing parties reach an agreement on all or part of the issues in dispute. Decision making authority remains with the parties, not the Mediator. The Mediator assists the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

- (a) Attorneys *shall* inform their client or clients of the availability of Court ordered Mediation.

152-3 Referral of Cases to Mediation:

The Court Sua Sponte or upon motion of any party, refer a case or portion of a case to Mediation. In this decision, the Court shall consider:

- (a) the stage of the litigation, including the need for discovery and the extent to which it has been conducted;
- (b) the nature of the issues to be resolved;
- (c) the value to the parties of confidentiality, rapid resolution, or the promotion or maintenance of on-going relationships;
- (d) the willingness of the parties to mutually resolve their dispute;
- (e) other attempts at dispute resolution; and
- (f) the ability of the parties to participate in the mediation process.

152-4 Stay of Proceedings:

Unless otherwise ordered by the Court, the proceedings shall be stayed pending the conclusion of the Mediation and the filing of the Mediator's report to the Court.

152-5 Appointment of Mediator:

Within fourteen (14) days of referral, the parties shall, by agreement, choose:

- (a) A Mediator; or
- (b) A Mediation Service, to conduct the Mediation.
- (c) In the event Mediator is not selected by agreement, the parties shall notify the Court, who will then select a mediator or designate a Mediation Service to select a mediator.

152-6 Mediator Compensation:

The Mediator shall be compensated at the rate agreed between the mediator and the parties if the mediator is chosen by agreement. In the event the mediator is appointed by the Court, the fee for the mediator shall be reasonable and no greater than the mediator's standard rate as a mediator. Unless otherwise varied by agreement of the parties or by order of the Court, each party shall pay an equal share of the charges of the mediator.

152-7 Mediation Procedure:

- (a) **TIME AND PLACE OF CONFERENCE.** Following selection of the mediator, the mediator (or in the appropriate cases, the mediation service) shall set a time and place for the mediation conference as set forth in the order of referral, or if not set forth in the order of referral, within 45 days following the mediator's selection. The mediator may meet with the parties or their counsel prior to the mediation conference. The mediator may require the parties to submit a confidential statement of the case or other materials that the mediator may reasonably believe appropriate for efficiently conducting the mediation conference. If the mediator desires to review the case file he or she may do so by contacting the Circuit Clerk's office. The mediator may review the court file at the Circuit Clerk's office. The parties shall be responsible for paying any copying cost of the court file provided to the mediator.
- (b) **ATTENDANCE AT MEDIATION CONFERENCE.** The parties must attend the mediation conference. Counsel of record or counsel who will try the case for any party are required to attend the mediation conference. If a party is a public

entity, it shall be deemed to appear by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision making body of the entity. If a party is insured for the matter in dispute, that party is deemed to appear by the physical presence of a representative of the insurance carrier, who is not that carriers outside counsel. This representative must have full settlement authority. If party is an organization other than a public entity or an insurance carrier for an insured party, it shall be deemed to appear by the physical presence of a representative, other than the party's counsel of record, who has full authority to settle without further consultation. The foregoing requirements of attendance may be varied by stipulation of the parties or by order of the Court for good cause shown.

- (c) **COMPLETION OR TERMINATION OF MEDIATION.** The Mediator may terminate the mediation conference:
- a. after a settlement is reached; or
 - b. when the mediator determines that continuation of the process would be unproductive.

The Mediator and the parties by agreement may schedule a subsequent mediation conference or conferences.

- (d) **REPORT TO THE COURT.** The Mediator shall report to the Court that the mediation has not occurred, has not been completed, or that the mediation has been completed with or without an agreement on any or all issues. With the consent of the parties, the mediator may also identify those matters which, if resolved or completed, would facilitate the possibility of a settlement.
- (e) **AGREEMENT.** If an agreement is reached during the mediation conference, it shall be reduced to writing and signed by the parties. The parties shall be responsible for the drafting of the agreement, although the mediator may assist in the drafting of the agreement with the consent of the parties.

152-8 Confidentiality:

- (a) Mediation sessions shall be closed to all persons other than the parties of record, their legal representatives, and other persons invited by the mediator with the consent of the parties.
- (b) Mediation shall be regarded as settlement negotiations for purposes of KRE 408.
- (c) Mediators shall not be subject to process requiring the disclosure of any matter discussed during the mediation, but rather, such matters shall be considered confidential and privileged in nature. This privilege and immunity resides in the mediator and may not be waived by the parties.
- (d) Nothing in these rules shall prohibit the mediator from reporting abuse according to KRS 209.030, KRS 620.030, or other applicable laws. .

R20C-155
CRIMINAL CASES

1. At the time of arraignment, each case shall be assigned a time for Trial Management Conference. Trial Management Conferences shall be held as a matter of course in all criminal matters, usually within six (6) weeks of arraignment. The Arraignment and Pretrial Order, form AOC-045-11, will establish the times for compliance with the Court's Open File Discovery.

If the case cannot be disposed of at the Trial Management Conference, then the Court will set it for trial and assign a Pre-Trial Conference date, usually no more than seven (7) days prior to trial.

DUTY OF PROSECUTOR

2. Open File Discovery

- a. The Commonwealth shall file with the Court, a copy of the discoverable portion of the contents of the Prosecutor's file for the use and inspection of the Defendant, within fourteen (14) days of arraignment. In the event the Commonwealth withholds any material contents in its file, under a claim of same being non-discoverable, the Commonwealth shall state so in writing, at the time the Prosecutor's file contents are filed with the Court. Upon written motion by the Defense, the Court will consider whether the Prosecutor shall release the requested information.
- b. The Commonwealth shall include in its Discovery, all information in its possession or control, including the information contained in RCr 2.24 and RCr 2.26.
- c. Upon Defense motion, pursuant to RCr 5.16(3), the Commonwealth shall provide the Defendant's counsel a duplicate of any mechanical recording relating to the indictment testimony taken before the Grand Jury.
- d. The Commonwealth remains under a continual order to file any supplemental material. All supplemental material must be filed by the Trial Management Conference. All supplemental material and information that could have reasonably been ascertained prior to the Trial Management Conference, that is filed after the Trial Management Conference, will not be permitted to come into evidence except upon leave of the Court for good cause shown.

3. Offer on Plea of Guilty

- a. The attorney for the Commonwealth shall provide to the Defendant, a recommendation of disposition of the case by filing in the Court record, "Commonwealth's Offer on a Plea of Guilty". AOC Form 491.1, within fourteen (14) days of filing the

Commonwealth's Discovery. Defense Counsel will discuss with the Defendant, the Commonwealth's Offer, prior to the Trial Management Conference and be prepared to respond thereto. Should the Defendant accept the proposal, at the Trial Management Conference, Defense Counsel shall submit to the Court, "Motion to Enter Guilty Plea, form AOC-491, or other applicable forms, signed by the Defendant, and Defense Counsel. If the Defendant fails to accept the proposed disposition, the Court will then set the case for trial as soon as possible.

DUTY OF DEFENSE COUNSEL

4. The attorney appearing for the Defendant at arraignment, unless otherwise relieved, shall be in attendance at the Trial Management Conference, and shall submit such written motions as the attorney shall expect to offer in the case. No additional motions may be offered after the Trial Management Conference, except by leave of the Court, upon a showing of excusable neglect, or if it concerns a matter of which the attorney was not aware or which did not come to the attorney's attention prior to the time of the Trial Management Conference, or in the interest of justice.

5. Additional Discovery

- a. The Defendant, by and through Defense Counsel, may request, by written motion, additional discovery or seek the Court's assistance in obtaining other relief to which he/she may be entitled. Any motions for additional discovery must be very specific and not general in nature. The Court will summarily overrule broad motions for discovery.
- b. If the Defendant desires a duplicate of any mechanical recording relating to the indictment testimony taken before the Grand Jury, Defense Counsel shall make an oral request for same to the Commonwealth's Attorney. If the Commonwealth has not responded within two (2) weeks, Defense Counsel may move the Court for same.
- c. If the Defendant desires to inspect evidence that has been listed in Commonwealth's Discovery as being in safekeeping with a law enforcement agency, then Defense Counsel shall give reasonable notice to the agency where the evidence is located, of his/her intent to inspect. Defense Counsel shall inspect, photocopy or otherwise copy said evidence in the presence of a law enforcement agency official or its designate, during reasonable business hours as may be agreed upon.

6. Ex Parte Motions for Experts Filed by Defense

- a. In the event a defense attorney files an ex parte motion to appoint an expert, the court shall conduct an ex parte hearing on the record to determine if it is appropriate to order the appointment of an expert, in accordance with K.R.S. 31.185.
- b. If the court determines that the appointment of the expert witness is appropriate, then the court shall enter an appropriate order. The defending attorney shall, in writing, notice the court and the Commonwealth thirty (30) days prior to trial of the defending attorney's intent to call the expert as a witness.

DUTY OF LAW ENFORCEMENT OFFICERS

7. All law enforcement officers possessing evidence not otherwise provided to the Commonwealth's Attorney office, due to impracticality or security reasons, shall make a list of said evidence and the location of safekeeping. This list shall be provided to the Commonwealth's Attorney and shall be made a part of the Commonwealth's Discovery filings.

Such evidence shall be available to Defense Counsel for inspection, photography or copy, at the location where the evidence is housed, during reasonable business hours and with reasonable notice to the officer or agency. The notice, availability and inspection of such evidence shall be accomplished without further orders of the Court.

R20C-160
PREPARATION OF JUDGMENTS AND ORDERS

All judgments and orders presented to the Court for signature shall contain the scrivener's typed name and signature and shall indicate "Prepared By".

R20C-165
VOLUNTARY PRO BONO

Each lawyer should voluntarily render public interest legal services. A lawyer may be discharged of this responsibility by rendering a minimum of fifty (50) hours of service per calendar year in accordance with guidelines established by the Kentucky Bar Association and the American Bar Association.

R20C-180

These Local Rules supercede all other local rules for the 20th Judicial Circuit.

LEWIS D. NICHOLLS, JUDGE
20TH JUDICIAL CIRCUIT

Local Rules approved Sept. 1998 with proposed amendment to R20C-155 submitted for approval June 2001

Local Rules approved May 4, 2005 with proposed additions to R20C-155(6), and amendment to Annex B, Visitation Schedule B submitted for approval July 2005.

R20C-156
DRUG COURT

1. Attorneys may refer clients to the 20th Judicial Drug Court if the attorney suspects his/her client has a drug problem.
2. Procedure:
 - a. To refer a client the attorney will contact the Drug Court Coordinator at telephone number 1-606-473-0769 to set up an appointment. The Drug Court Coordinator will administer the Addiction Severity Index (ASI) and report the findings at the next available Drug Court staffing. This instrument will assist the Drug Court staff in determining if the defendant is eligible for admission to Drug Court.
 - b. The attorney will contact the Drug Court Coordinator as soon as possible for his/her client to be considered for admission into the Drug Court. As soon as possible means not longer than one (1) week after the date of arraignment. After May 26, 2005, if the referral exceeds one (1) week, then the client will not be admitted.
 - c. The Drug Court Staff determines who is admitted to the Drug Court. The Drug Court Staff consists of representatives from law enforcement, treatment, defense counsel, prosecutor, probation and parole, Drug Court coordinator and specialists, and the court.
 - d. To be eligible the defendant must:
 1. Live in 20th Judicial Circuit or a contiguous county.
 2. Have an abuse or dependent diagnosis as determined by the ASI.
 3. No multiple trafficking convictions from any jurisdiction.
 4. No uncontrolled mental illness.
 5. No violent crimes.
3. If the defendant is admitted to Drug Court, then defense counsel's representation will cease and the legal representative of the Drug Court will represent the defendant on all matters related to Drug Court. In the event the defendant is not admitted to Drug Court, then the court will process the case along the usual criminal track.
4. Nobody will be admitted to Drug Court until they enter a plea of guilty to a charge approved by the Commonwealth Attorney's Office and the Court.
5. Once a defendant/client is admitted to Drug Court, then the Drug Court Staff will prepare a separate file, and the defendant/client will make all future appearances in the Drug Court. All fines and costs will be collected through the Drug Court; however, they will be paid in the Circuit Clerk's Office.

6. In the event that the defendant/client is terminated from Drug Court, then the referring attorney may continue to represent the defendant for further processing of the case.
7. Beginning May 26, 2005, Greenup County Drug Court will be held every Thursday at 8:30 a.m. until 10:30 a.m. Lewis County Drug Court is held on the first and third Friday of each month. from 11:30am until 2:00pm.

RULE 11 INFORMATION

PROPERTY SCHEDULEI. MARITAL PROPERTY:

A. Real Estate:	<u>Value</u>	<u>Lien</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____

B. Personal Property:	<u>Value</u>	<u>Lien</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

C. Other Marital Debts: (Not including those listed above)

_____	\$ _____
_____	\$ _____
_____	\$ _____

II. PETITIONER'S NON-MARITAL PROPERTY:

A. Real Estate:	<u>Value</u>	<u>Lien</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____

B. Personal Property:	<u>Value</u>	<u>Lien</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

Basis for designation as non-marital:

C. Other Non-Marital Debts:

_____	\$ _____
_____	\$ _____
_____	\$ _____

III. RESPONDENT'S NON-MARITAL PROPERTY

A. Real Estate:	<u>Value</u>	<u>Lien</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____

B. Personal Property:	<u>Value</u>	<u>Lien</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____

_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

Basis for designation as non-marital:

C. Other Non-Marital Debts:

_____	\$ _____
_____	\$ _____
_____	\$ _____

FINANCIAL SCHEDULE

A. EMPLOYMENT STATUS:

1. EMPLOYER: _____

Income: (as shown by attached wage statements) \$ _____

Deductions:

Federal Withholding \$ _____

State Withholding \$ _____

Medical Withholding and Social Security . \$ _____

TOTAL DEDUCTIONS \$ _____

NET INCOME \$ _____

2. Other Income: \$ _____

Source _____

B. ADJUSTED GROSS INCOME FOR LAST FIVE (5) YEARS:

(Copies of U.S. Tax Returns for last three (3) years attached hereto)

19__	\$ _____
19__	\$ _____
19__	\$ _____
19__	\$ _____
19__	\$ _____

C. MONTHLY EXPENSES

1. Actual Expenses:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Total Actual Expenses: \$ _____

2. Anticipated Additional Expenses after dissolution:

_____ \$
\$
\$

D. OTHER INFORMATION:

ATTORNEY FOR PETITIONER/RESPONDENT

STATE OF KENTUCKY)

SCT:

COUNTY OF GREENUP)

Comes the Petitioner/Respondent and states that he/she has read the foregoing Property
Schedule and Financial Schedule and that the information set forth therein is true.

PETITIONER/RESPONDENT

Subscribed and sworn to before me by _____ this
_____ day of _____, _____.

NOTARY PUBLIC, STATE AT LARGE

My Commission expires _____.

**20th JUDICIAL CIRCUIT
GREENUP CIRCUIT COURT**

-Visitation Schedule A-

TIME SHARING GUIDELINES

Visitation is a time for children to do things with the parent they do not live with. Activities you can do with them or skills you can teach them help the time be rewarding. Helping children find friends in your neighborhood also helps make it like home for them.

Liberal visiting arrangements are encouraged by the Greenup Circuit Court, as contact with both parents is important to the children. You may also agree, and are encouraged to agree, to any additional visitation for your convenience, or that is beneficial to your child. Changes or modifications can be made by the Court if need for such is shown.

VISITATION SHALL BE AT SUCH TIMES AND PLACES
AS THE PARTIES MAY AGREE.

This will not normally be less than:

1. Weekends – Alternate weekends from Friday at 5:30 pm until Sunday at 6:00 pm for all children twelve (12) months of age or older. If the child is less than twelve (12) months of age, weekend visitation shall be from 10:00 am to 6:00 pm on Saturday and Sunday.
2. Midweek – One evening each week, from Wednesday at 5:30 pm to 9:00 pm.
3. Holidays – In the odd-numbered years, the custodial parent has Easter and Christmas Day; and the non-custodial parent has July 4th, Thanksgiving, and Christmas Eve. In the even-numbered years, the schedules are reversed. Memorial Day and Labor Day attach to the preceding weekend.
 - a. A holiday that falls on a weekend should be spent with the parent who would normally have the child for that holiday. The rest of the weekend is to be spent with the parent who would normally have the child for that weekend. These do not have to be made up.
 - b. Mother's Day and Father's Day are to be spent with the appropriate parent. Hours are as agreed, or from 10:00 am until 7:00 pm.
 - c. Other Days of special meaning, such as religious holidays, or national holidays, should be decided together, written into the Court order, and alternated as above.

- d. Hours for parents who cannot agree are as follows:
- i. Easter - 10:00 am to 7:30 pm
 - ii. July 4th - 9:00 am until 9:00 am the next day
 - iii. Thanksgiving – 9:00 am until 9:00 am the next day
 - iv. Christmas Eve – 9:00 pm on December 23rd to 9:00 pm December 24th
 - v. Christmas Day – 9:00 pm on December 24th to 9:00 pm on December 25th
4. Birthdays – One-half day with each parent, even if it falls on a regular visitation day.
5. Waiting – The children and custodial parent have no duty to await the visiting parent for more than 30 minutes of the visitation time. A parent who is late forfeits visitation for that period. The custodial parent, or acceptable representative, must be home at the return time to receive the child.
6. Cancellations – If a child is ill, the custodial parent should have 24-hour notice, if possible, so appropriate plans can be made. The non-custodial parent should give 24-hour notice to cancel. The time cancelled by the non-custodial parent is forfeited. Time lost for the child's illness should be made up.
7. Vacations – Four weeks of visitation each year are to be arranged with advance notice by the non-custodial parent by May 1st. The custodial parent must give the non-custodial parent notice of vacations, or special plans for the child, to avoid planning conflicts, by May 15th.
- a. Summer school necessary for the child to pass to the next grade must be attended.
 - b. A general itinerary should be provided for the parent, if vacation will be out of town.

This schedule is an enforceable Order of the Court. Please put the interests of your child first, and comply with the above provisions.

**20th JUDICIAL CIRCUIT
GREENUP CIRCUIT COURT**

-Visitation Schedule B-

TIME SHARING GUIDELINES

It is ordered that the parents of the child shall have possession of the child at times mutually agreed to in advance by the parties and in the absence of mutual agreement, and in the absence of a specific court order of time-sharing, it is ordered that the parents shall have possession of the child under the specified guidelines set out in this time sharing guideline.

Except as otherwise provided in this guideline, the non-primary residential parent shall have the right to possession of the child as follows:

1. Weekends - On weekends beginning at 6:00 pm on the 1st, 3rd, and 5th Friday of each month and ending at 6:00 pm on the following Sunday.
2. Weekend possession extended by a holiday - If a weekend period of possession begins on a Friday that is a school holiday during the regular school term or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at 6:00 pm on the Thursday immediately preceding the Friday holiday or end at 6:00 pm on the Monday that is the school holiday, as applicable.
3. Tuesdays – On Tuesday of each week, except during June and July, beginning 6:00 pm and ending at the time the child's school resumes on Wednesday.
4. Thursdays – On Thursday of each week that the non-primary residential parent is not entitled to a weekend visit beginning at 6:00 pm and ending at 9:00 pm.
5. Christmas holidays in even-numbered years – In even-numbered years, beginning at 6:00 pm on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26.
6. Christmas holidays in odd-numbered years – In odd-numbered years beginning at noon on December 26 and ending on 6:00pm on the day before the child's school resumes after the Christmas school vacation.
7. Thanksgiving in odd-numbered years – In odd-numbered years beginning at 6:00 pm on the day the child was dismissed from school for the Thanksgiving holiday and ending at 6:00 pm the day before the child's school resumes after the Thanksgiving holiday.

8. Spring break and Fall break in even-numbered years – In even-numbered years beginning at 6:00 pm on the day the child is dismissed from school for the school's spring and fall break vacation and ending at 6:00 pm the day before the school resumes after that vacation. If the school does not declare a spring break or a fall break, then the non-primary residential custodian shall be entitled to exercise a spring and fall break during the months of October and March, upon fourteen (14) days written notice to the other parent. This time sharing shall be for a period of 7 days, inclusive of weekends.
9. Extended summer possession – The weekend, Tuesday night, and Thursday night visitation identified above shall not be exercised during the months of June and July by the non-primary residential parent. Said parent shall however be entitled to exercise, during the months of June and July, 30 days extended summer time-sharing with the child with said time being exercised in two, 15-day periods. If the non-residential parent provides written notice by April 1st, then that parent may designate the time periods within which to exercise the extended summer time sharing. Provided that the time sharing should be exercised in two separate, non consecutive 15 days periods with a return of at least five (5) days in between the two visitation periods to the primary residential parent. If written notice is not provided by April 1, then the non-primary residential parent shall enjoy extended summer time sharing with the child from 6:00pm June 15th until 6:00pm June 30th and also from 6:00pm July 10th until 6:00pm July 25th.
10. Child's Birthday – The parent not otherwise entitled to possession of the child on the child's birthday pursuant to this guideline shall have time sharing with said child beginning at 6:00pm and ending at 8:00pm on that day provided that that parent picks up the child from the other parent's residence and returns the child to that residence.
11. Father's Day and Mother's Day – Each year, beginning at 9:00am on Mother's Day or Father's Day as applicable and ending at 6:00pm on said day, the mother or father, as applicable, provided that he or she is not otherwise entitled to have the child under this order shall be entitled to possession of the child provided that the mother or the father shall pick up the said child from the other parent's residence and return the child to that same place.
12. Exceptions to guidelines for children under 5 – The above rules apply except as modified below for children under 5. The following modifications shall apply to these time sharing guidelines.
 - a. Tuesdays – Tuesday night visitation identified above shall begin at 6:00pm and shall end on Wednesday at 6:00pm.
 - b. Christmas holidays in even-numbered years – In even numbered years beginning at 6:00pm on December 22 and ending at noon on December 26, provided that the child shall be returned to the primary residential

parent for at least four (4) consecutive days prior to resumption of any Tuesday night or weekend visitation as set forth herein.

- c. Christmas holidays in odd-numbered years – In odd-numbered years beginning at noon on December 26 and ending at 6:00pm on December 30, provided that the child shall be returned to the primary residential parent for at least four (4) consecutive days prior to resumption of any Tuesday night or weekend visitation as set forth herein.
- d. Fall break and Spring break in even-numbered years – In even-numbered years, the non-primary residential custodian shall be entitled to exercise a four (4) day spring break and a four (4) day fall break to occur during the months of March and October upon fourteen (14) days written notice to the other parent. This four (4) days shall not be exercised immediately preceding or immediately following a weekend visitation period. Rather the child shall be returned for a period of at least four (4) consecutive days to the primary residential parent prior to resumption of any Tuesday night or weekend visitation as set forth herein.
- e. Extended summer possession – The non-primary residential parent shall be entitled to an extended period of time-sharing with the child for a twenty (20) day period to occur during the months of June and July. Provided however that this twenty (20) day period shall be exercised in four (4) day increments with the requirement that the child be returned to the residential home for four (4) day intervening periods. The weekend, Tuesday night and Thursday night visitation identified above shall not apply during the months of June and July.

The primary residential parent shall have a superior right of possession of the child at all times other than those identified above.

COMMONWEALTH OF KENTUCKY
GREENUP CIRCUIT COURT
ACTION NO. _____

ANNEX C

PLAINTIFF(S)

VS: ORDER OF TRIAL MANAGEMENT

DEFENDANT(S)

* * * * *

Upon the Court's Own motion and in the interest of expeditiously moving this case to a final disposition, and the Court being otherwise sufficiently advised:

IT IS ORDERED THAT:

A. THE PLAINTIFF(S) SHALL COMPLETE ALL DISCOVERY WITHIN 150 DAYS FROM THE DATE OF THIS ORDER.

B. THE DEFENDANT SHALL COMPLETE ALL DISCOVERY WITHIN 90 DAYS AFTER THE PLAINTIFF'S DISCOVERY.

C. AFTER ALL PARTIES HAVE COMPLETED THEIR DISCOVERY ANY PARTY MAY MAKE A MOTION TO SET THE CASE FOR TRIAL.

D. IN PERSONAL INJURY CASES EACH PARTY SHALL EXCHANGE MEDICAL INFORMATION WITHIN THIRTY (30) DAYS AFTER THE FILING OF EACH ANSWER.

Entered this ____ day of _____, 199____.

LEWIS D. NICHOLLS, JUDGE
20TH JUDICIAL CIRCUIT

It is hereby certified that a true
and correct copy of the foregoing
Order of Trial Management has
been mailed to:

1. _____

Attorney for Plaintiff

2. _____

Attorney for Defendant

This the ____ day of _____, 199____.

_____, CLERK

_____ CIRCUIT COURT

BY: _____ D.C

COMMONWEALTH OF KENTUCKY
GREENUP CIRCUIT COURT
CASE NO. _____

_____, PLAINTIFF,
VS: ORDER SETTING TRIAL, TRIAL MANAGEMENT REPORT
AND PRETRIAL CONFERENCE DATES
_____, DEFENDANT.

* * * * *

Upon motion of the Plaintiff:

TRIAL DATE

1. IT IS HEREBY ORDERED THAT THE ABOVE STYLED CASE IS SET FOR A TRIAL BY JURY ON _____, 199__, AT 9:30 A.M. IN COURTROOM ONE (1) AT THE GREENUP COURTHOUSE ANNEX, GREENUP, KENTUCKY.

TRIAL MANAGEMENT REPORT AND
PRETRIAL CONFERENCE DATES

2. IT IS FURTHER ORDERED THAT A PRETRIAL CONFERENCE SHALL BE HELD ON _____, 199__, AT 1:00 P.M. IN COURTROOM ONE (1) AT THE GREENUP COURTHOUSE ANNEX, GREENUP, KENTUCKY.

3. IT IS FURTHER ORDERED THAT ALL PARTIES WILL COMPLETE ALL EXCHANGE OF DISCOVERY, SUBMIT THE TRIAL MANAGEMENT REPORT AND OTHER ITEMS LISTED BELOW BY THE _____ 199__:

A. Exchange with opposing counsel a list of all witnesses' names and addresses and summary of the expected testimony of each witness expected to be called at trial.

B. Produce for inspection of opposing counsel, and mark for identification, all exhibits and charts which will be used during trial.

C. Produce for inspection of opposing counsel a report from all experts who are expected to testify at trial.

D. An itemized list of claimed special damages.

4. A. IN THE ABSENCE OF GOOD CAUSE SHOWN, NO WITNESS SHALL BE PERMITTED TO TESTIFY AND NO EXHIBIT OR CHART SHALL BE ADMITTED INTO EVIDENCE EXCEPT UPON COMPLIANCE WITH THE CONDITIONS OF THIS ORDER. This condition shall not apply to rebuttal witnesses.

B. ANY EXHIBIT OR CHART SO SUBMITTED AND MARKED FOR FILING AT TRIAL SHALL BE ADMITTED INTO EVIDENCE UNLESS AN OBJECTION IS RAISED BY OPPOSING COUNSEL AT THE PRETRIAL CONFERENCE.

C. IF COUNSEL INTENDS TO INTRODUCE EXPERT EVIDENCE AT TRIAL, IT IS SUGGESTED THAT THE TESTIMONY BE PRESERVED BY DEPOSITION. UNAVAILABILITY OF AN EXPERT FOR TRIAL WILL NOT BE GROUNDS FOR CONTINUANCE.

5. AT THE PRETRIAL CONFERENCE, COUNSEL SHALL SUBMIT TO THE COURT PROPOSED INSTRUCTIONS, OR IN NON-JURY CASES, FINDINGS OF FACT AND CONCLUSIONS OF LAW. Such proposed instructions or findings of fact and conclusions of law should be sufficiently detailed so that if adopted by the court they should form adequate factual basis, supported by anticipated evidence, for resolution of the case and support of a judgment favorable to the party submitting.

6. ALL PARTIES OR PERSONS WITH SETTLEMENT AUTHORITY WILL ATTEND THE PRETRIAL CONFERENCE.

7. AT THE PRETRIAL CONFERENCE, rulings will be made wherever possible on all issues of evidence, instructions and other issues which will aid possible settlement or streamline the trial.

8. All discovery shall be completed by _____, 199__.

9. TRIAL MANAGEMENT REPORT

All parties shall file with the court a Trial Management Report the date indicated in paragraph 3 of this order. The Trial Management Report will contain the following information:

A. A concise summary of the facts of the case.

B. A statement of the principles of law involved in the case, supported by the citation of appropriate authority.

C. A list of all witness names, addresses, and summary of the expected testimony of each witness expected to be called at trial.

D. Estimated length of time to try the case.

10. FAILURE TO COMPLY WITH THIS ORDER COULD RESULT IN POSSIBLE SANCTIONS.

Entered the _____ day of _____, 199__.

LEWIS D. NICHOLLS, JUDGE
GREENUP CIRCUIT COURT

It is hereby certified that a true and correct copy of the foregoing Order Setting Trial, Trial Management Report, and Pretrial Conference Dates has been mailed to:

1. _____

ATTORNEY FOR PLAINTIFF

2. _____

ATTORNEY FOR DEFENDANT

This the ____ day of _____, 199__.

JAMES R. GARTHEE, CLERK
GREENUP CIRCUIT COURT

BY: _____ J.C.

COMMONWEALTH OF KENTUCKY
GREENUP CIRCUIT COURT
CIVIL ACTION No. _____ - _____ - _____

_____,
PLAINTIFF,

VS.

_____,
DEFENDANT.

ORDER

Pursuant to rule R-20C-152 of the Greenup Circuit Court, it is hereby ordered that the parties are referred to Mediation to attempt to resolve the issues brought before this Court.

The parties shall by agreement choose a Mediator or Mediation Service to conduct Mediation within fourteen (14) days of the date of this order. If the parties are unable to agree as to a mediator, then either party may move the Court to select a Mediator or designate a Mediation Service to select the Mediator.

The parties and representative of their insured, if any, with full authority to settle shall attend the Mediation conference which shall be held within forty-five (45) days of the selection of the Mediator or Mediation Service. The parties shall make a good faith effort to resolve *all* issues.

If a party fails to appear at a duly noticed Mediation conference without good cause, the Court upon motion shall impose sanctions, including an award of attorney fees and other costs against the party failing to appear.

IT IS SO ORDERED THIS _____ DAY OF _____, 19____

LEWIS D. NICHOLLS, JUDGE
GREENUP CIRCUIT COURT

I, James R. Garthee, Jr., Circuit Court Clerk, hereby certify that a true and correct copy
of the foregoing was served to:

This the _____ day of _____, 19____.

BY: _____

Annex E